



# **Japan's Recent Developments and Challenges on implementation of the Basel Convention**

November 26, 2014

Fumiyoshi Kai

Office of Waste Disposal Management,  
Waste Management and Recycling  
Department, Ministry of the Environment

# Explanation of the Flow of Today's Workshop

1. Outline of Domestic Laws Related to the Basel Convention (the Basel Act and the Waste Disposal Act)
2. Data on the Importation/Exportation of Waste Material
3. Measures and Challenges for Preventing Illegal Importation/ Exportation in Japan



# **1. Outline of Domestic Laws Related to the Basel Convention**

# Framework of Japanese Laws

## Basel Convention

### Related Japanese laws

#### Basel Act

(Act on Control of Export, Import and Others of Specified Hazardous Wastes and Other Wastes)

- Regulating the importation/exportation of specified hazardous waste and other waste material

#### Waste Disposal Act (Waste Management and Public Cleansing Act)

- Regulating the importation/exportation of waste material

Related laws: Foreign Exchange and Foreign Trade Act and Customs Act

# Control Targets of the Basel Act and the Waste Disposal Act

Basel Act

Defined by hazardous characteristics and disposal operations

Subject to control

**Basel waste**

(specified hazardous waste material, etc.)

Non-Basel waste

Examples



Used Printed Circuit Board  
(metal recovery)



Coal Ash  
(utilization for cement production)



Plastic scrap  
(material recycling)

Non-waste

**Waste**

Non-waste

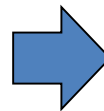
Subject to control

Defined by 5 criteria such as value, nature of an object and circumstance of discharge

Waste Management Act

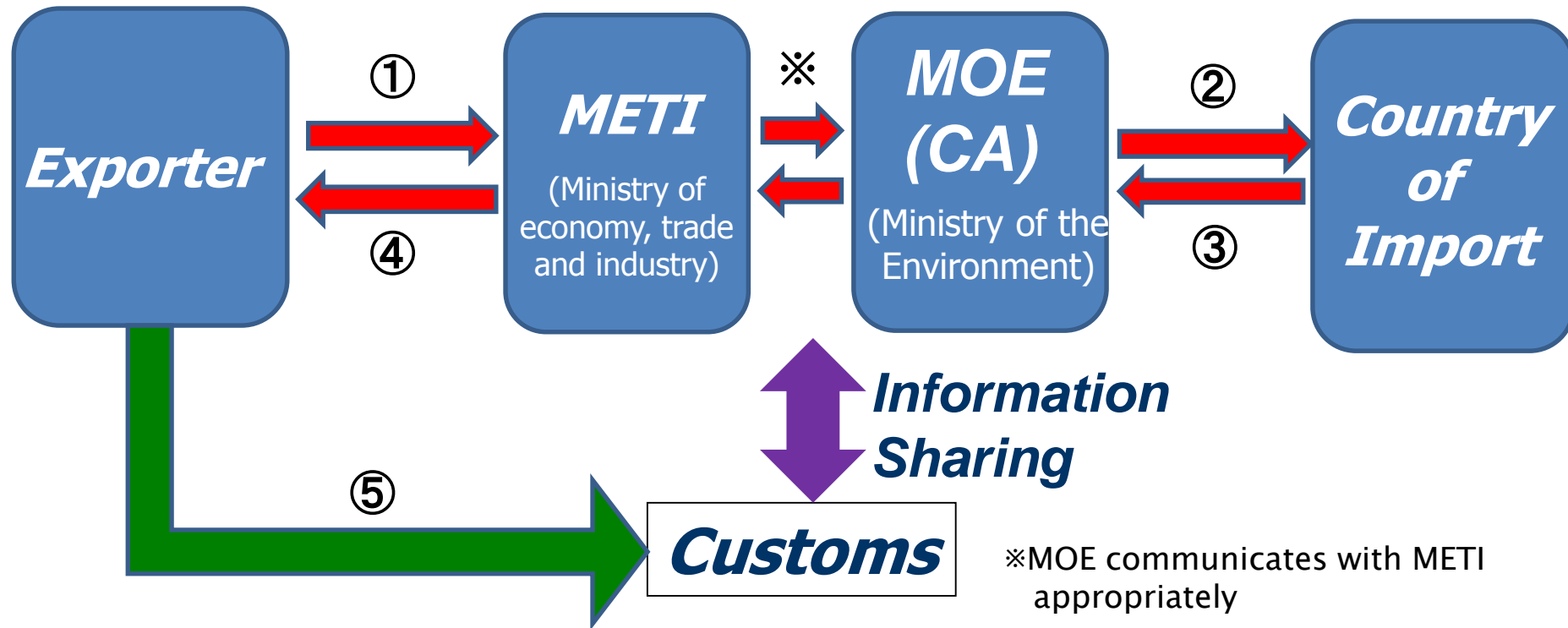
# Outline of the Basel Act

1. Definition of Basel wastes
2. Approval for importation/exportation
  - Approval by the Minister of Economy, Trade and Industry (prior notification, consent and response needed)
  - Certification by the Minister of the Environment (ensuring waste disposal meets Japanese standards or higher standards)
3. Issuing movement documentation
  - Obligated to carry movement documentation when transporting specified hazardous waste material, etc.
4. Order for action
  - Provisions for re-importing in the event of illegal exportation



Exporter's liability

# Document Screening based on the Basel Act (In the case of exportation)



- ① Apply for Basel procedure
- ② Notification under the Basel Convention (BC) as the Competent Authority (CA)
- ③ Consent under the BC
- ④ Approval for exportation
- ⑤ Declaration



# Outline of the Waste Management Act (Provisions for Importation/Exportation)

1. Principle of disposing in Japan
2. Export certification by the Minister of the Environment
  - The exported waste material shall be based on waste that cannot be disposed of in Japan or that will definitely be recycled in the destination country.
  - The disposal of the exported waste shall meet Japanese standards or higher standards.
  - The export applicant shall be the business operator discharging the exported waste.
3. Import permission from the Minister of the Environment
  - The imported waste shall be properly disposed of in Japan.
  - The imported waste shall be waste which can be properly disposed of by the import applicant or its contractor.
4. Penalties
  - Attempted offense (exporting without certification)



# Communication with importers/exporters

- Distributing the brochures on the website
- Disseminating information by having meetings to explain and enhance communication of the legal framework to control export and import of wastes
- Pre-application consultation regarding regulated materials



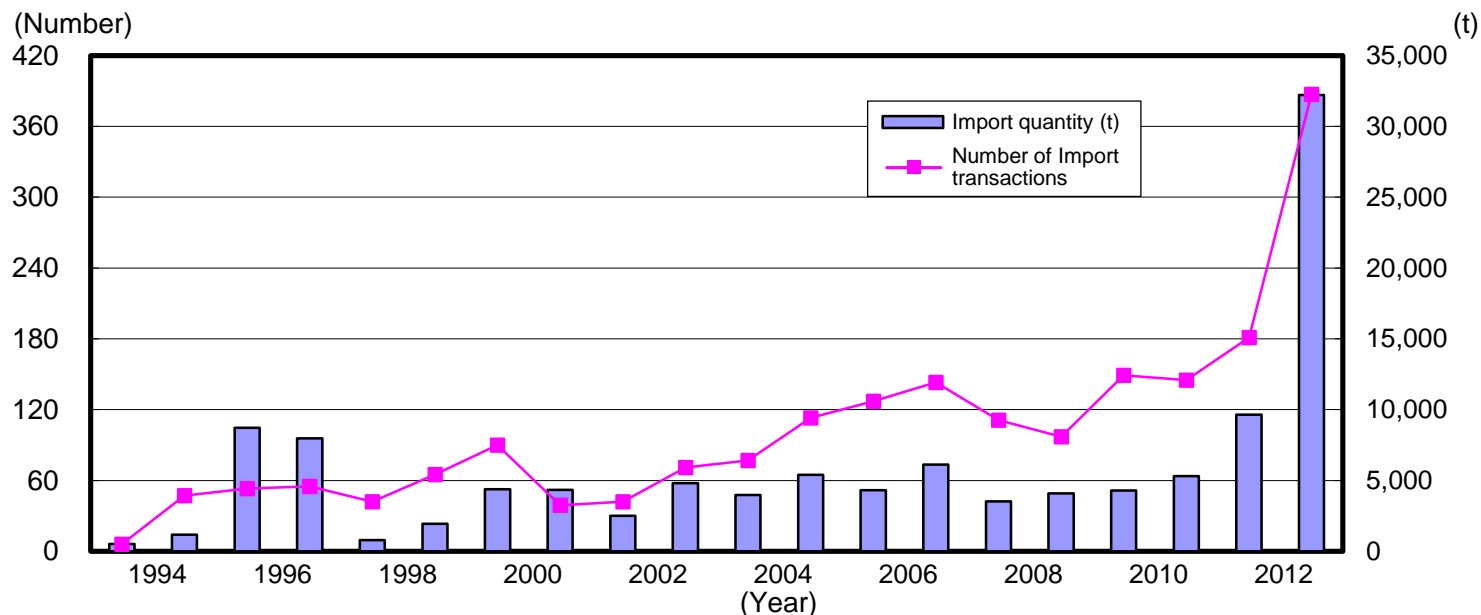


## **2. Data on the Importation/Exportation of Waste Material**

# Data on the Importation of Basel Waste (2013) based on the Basel Act

Import to Japan (the figures in parentheses indicate the data of the previous year)		
Notification to Japan	113 (72)	86,709 tons (101,057)
Import approvals	103 (50)	96,273 tons (64,638)
Issuance of import movement document (the number and quantity of import transactions)	387 (181)	32,222 tons (9,633)
Origin countries and regions	The Philippines, Hong Kong, Taiwan and others	
Items	Scrap electronic parts, sludge containing precious metal, scrap batteries (nickel-cadmium, nickel-hydrogen and lithium ion batteries), etc.	

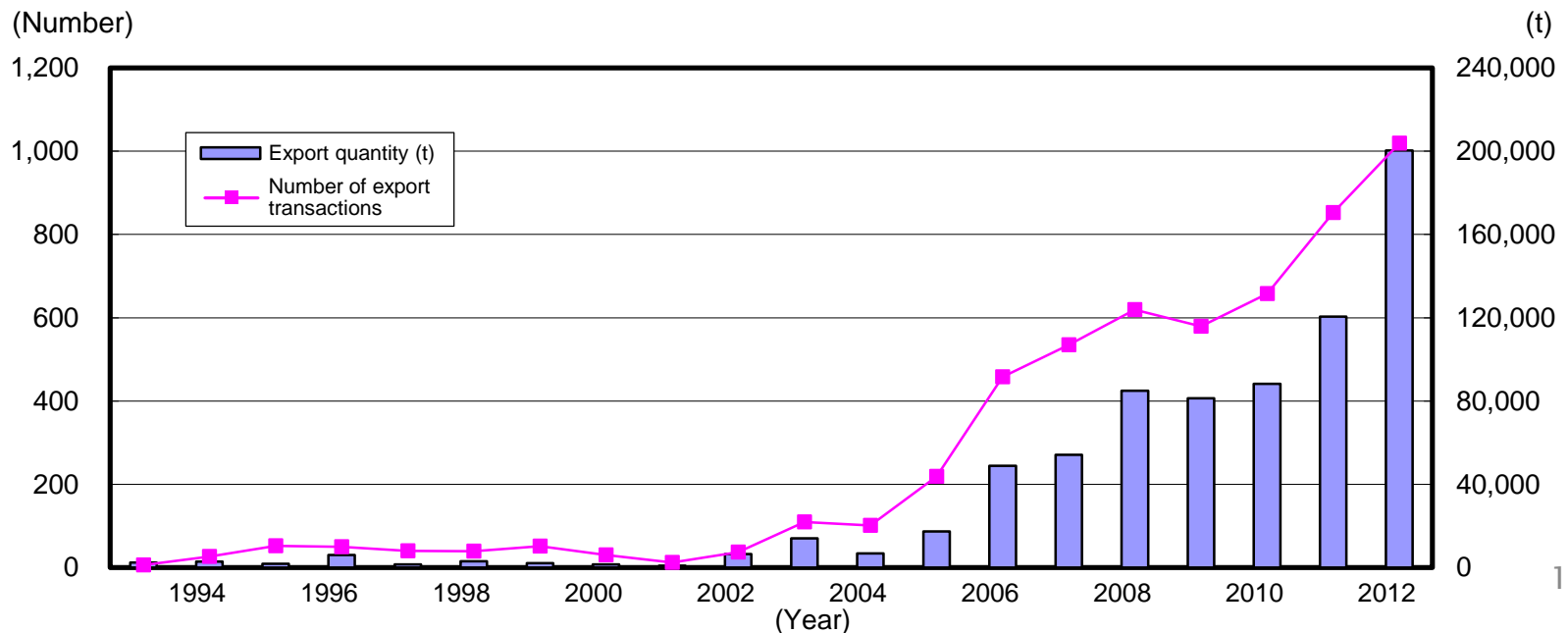
Changes in the quantity and number of import transactions of Basel waste



# Data on the Exportation of Basel Waste (2013) based on the Basel Act

Exports from Japan (the figures in parentheses indicate the data of the previous year)		
Notification to the destination country	77 (70)	330,806 tons (326,047)
Export approvals	72 (51)	405,167 tons (184,240)
Issuance of export movement document (the number and quantity of export transactions)	1,019 (852)	200,307 tons (120,466)
Destination countries and regions	South Korea, Belgium, Hong Kong and others	
Items	Scrap lead (lead storage batteries), sludge containing metal, coal ash, etc.	

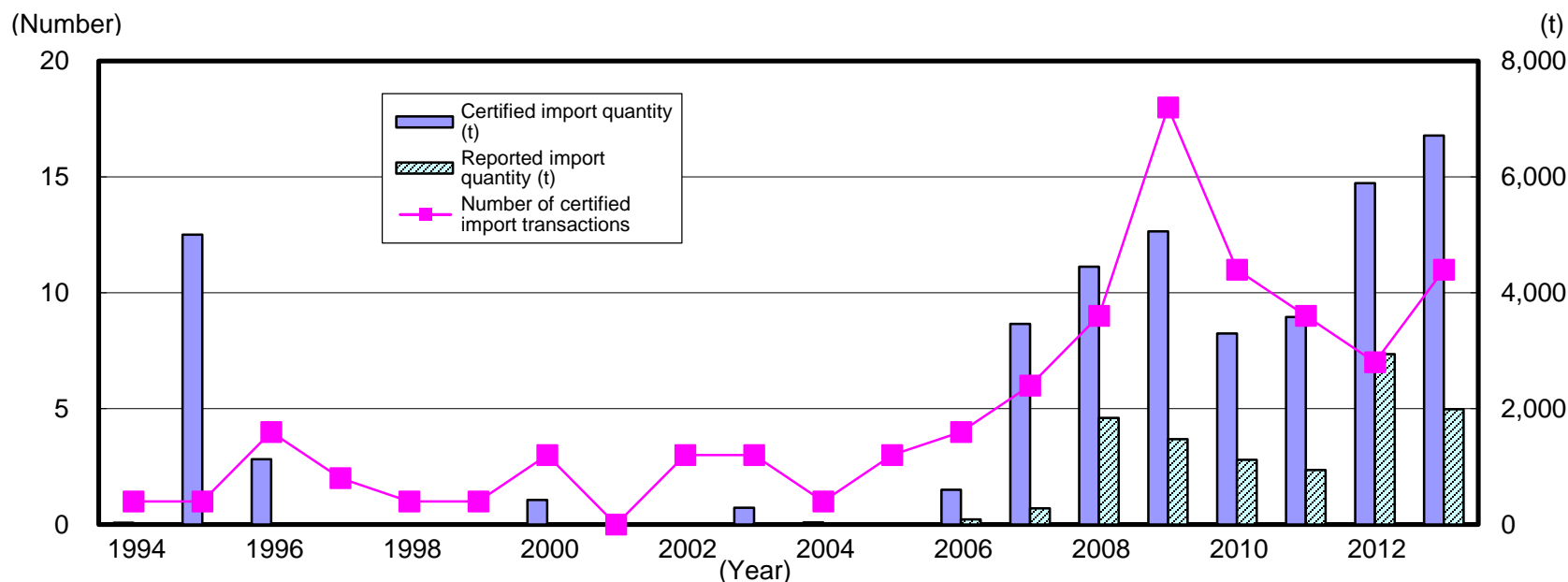
Changes in the quantity and number of export transactions of Basel waste



# Data on the Importation of Waste Material (2013) the Waste Disposal Act

Imports to Japan (the figures in parentheses indicate the data of the previous year)		
Import permission	11 (7)	6,714 tons (5,890)
Reported import quantity	1,988 tons (2,939)	
Origin countries and regions	Taiwan and South Korea	
Items	Waste dry batteries, waste catalysts containing iodine, waste HID lamps, etc.	

Changes in the quantity and number of import transactions of waste material

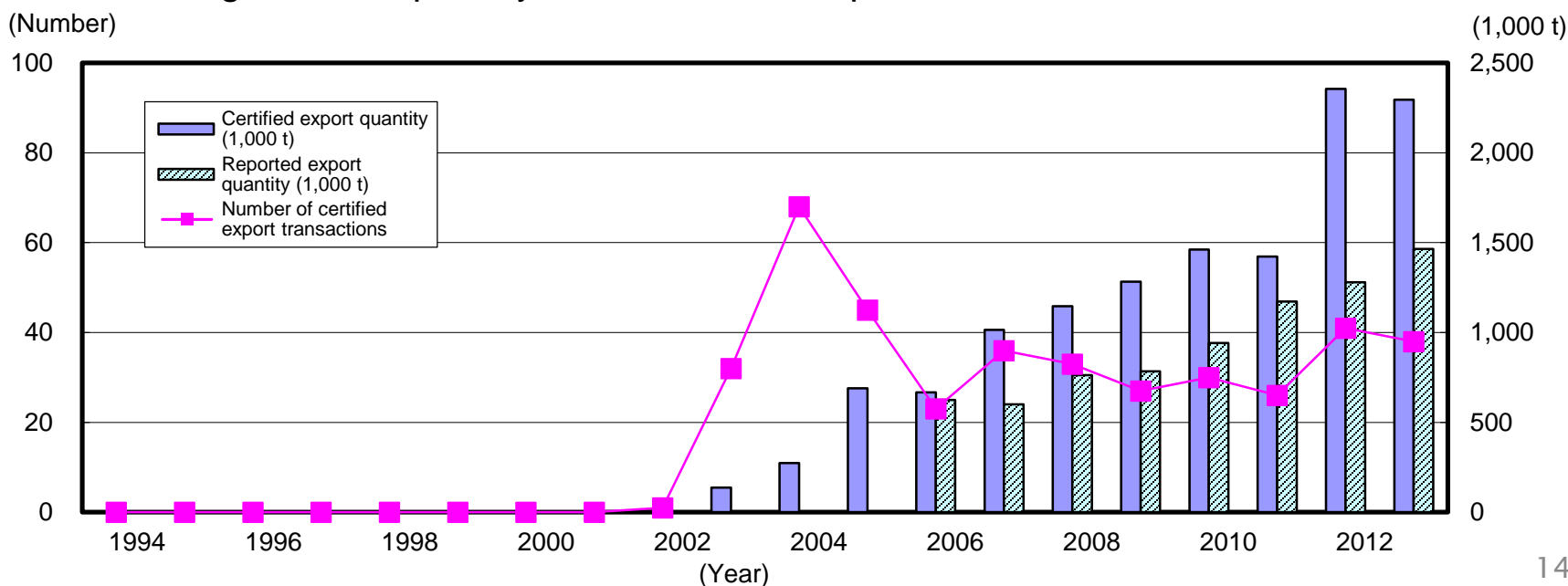


• The data on reported import and export quantities for 2006 and previous years are not available.

# Data on the Exportation of Waste Material (2013) the Waste Disposal Act


Exports from Japan (the figures in parentheses indicate the data of the previous year)		
Export certification	38 (41)	2,296,489 tons (2,355,440)
Reported export quantity	1,279,954 tons (1,172,271)	
Destination countries and regions	South Korea and Hong Kong	
Items	Coal ash	

Changes in the quantity and number of export transactions of waste material



• The data on reported import and export quantities for 2006 and previous years are not available.





### **3. Measures and Challenges for Preventing the Illegal Importation/Exportation of Waste Material in Japan**



# Recent Major Issues on Implementation of the Basel Convention in Japan

- Illegal exportation of E-wastes is the biggest issue to be resolved for the proper implementation of the Basel Convention in Japan now.
- According to an estimation by the Council of the Ministers of Environment and Industry in Oct. 2014, there is a possibility that approx. 10% of specified used electrical and electronic equipment (EEE) \* supposed to be recycled domestically based on the Japanese law are exported abroad illegally.
  - \* Specified used EEE : TV, refrigerator, air-conditioner, and washing machine
- This is considered due to trying to avoid paying the cost of recycling after use. Estimated number of illegally-exported used EEEs during Apr. 2012 – Mar. 2013 is 1.3 million.

# General Flow of Coastal Operations to Prevent Illegal Exports

Screening/Inspection by Customs

Cargo inspection with Customs

<In case the cargo is suspected>

Interview of exporters

<In case items are judged as wastes/Basel wastes>

- Administrative guidance
- Verbal /Written warning
- Criminal Complaint



**X-ray inspection**



**Open cargo inspection**

# MOE's Coastal Operations

- Officers in charge of waste imports and exports in the eight Regional Environmental Offices of MOE.
- Recent activities for enhanced prevention of illegal exports
  - Enhancing the cooperation with customs and other relevant organizations, such as local governments, police authorities, the Japan Coast Guard, fire authorities.
  - Carrying out periodical joint patrols with local government
  - Increasing the frequency of on-site inspections of scrap yards.



Inspecting a container of plastic waste



Patrolling a scrap yard

# Recent Major Cases of Illegal Exportation

## Two major cases of illegal exportation

1. Export of used EEE not suitable for reuse is declared as secondhand goods (but actually for taking parts or metal recycle). Especially, the number of notification of illegal shipment from the country of import is increasing in recent years.
2. Export of scrap metal containing waste material or Basel waste, such as specified used EEEs, other used home or industrial electronics, used acid lead batteries.

# Illegal exportation of used EEE: Current framework of Measures and Issues

- Trade for direct reuse of EEEs are not regulated under the Basel Convention.
- Exporters are required to explain evidences, such as functionality, that show declared equipment is suitable for secondhand use in importing countries when Customs require at their inspection.
- In some cases where such evidence can not be identified, it can not be denied that Waste-EEEs are camouflaged and declared as secondhand EEEs.





# Illegal exportation of used EEE: Establishment of Secondhand Criteria

- To clarify the criteria for exporters to prove suitability of secondhand goods, the guidelines on classification of used EEE into second hand goods was established in Sep. 2013 and it has been started to apply since Apr. 2014.
- Criteria for secondhand goods in the guidelines;
  - (1) Model years and appearance (Make sure that the equipment is free from damage and is clean. Check the model years.)
  - (2) Functionality (Make sure that the equipment operates properly.)
  - (3) Packaging and loading (Make sure that the equipment is properly packaged, loaded and stored.)
  - (4) Facts related to transactions involving secondhand goods (Make sure that transaction-related facts can be proved with contracts and other documents.)
  - (5) Secondhand goods market (Make sure that the equipment will be sold for reuse purposes in destination countries.)

# Illegal exportation of Scrap Metal Containing Waste Material / Basel Waste

## 1. Current framework of regulation for scraps in Japan

- Under the Basel Act in Japan, whether materials are regulated or not (what is belong to Annex VIII of the Convention) is judged by thresholds for each hazardous substances, such as Hg, Pb, Cd.\*

\*List of regulated materials and thresholds:

[http://www.env.go.jp/en/recycle/basel\\_conv/files/Matters\\_listed\\_in\\_Article3.pdf](http://www.env.go.jp/en/recycle/basel_conv/files/Matters_listed_in_Article3.pdf)

- Exporters are required to apply for the Basel procedure if any substance contained in the scrap exceeds the thresholds.
- If exporters want to export scrap metal without the Basel procedure, they are required to show an evidence to the Customs which demonstrates the scrap doesn't contain hazardous substances over the thresholds.
- Wastes of Specified EEEs are not allowed to be exported under the Waste Management Act.



# Illegal exportation of Scrap Metal Containing Waste Material / Basel Waste

## 2. Issues on exportation of scrap metal

- Scrap metal in very low quality (Mix metal scraps with large ratio of materials other than metals) has increased.
- Evaluation methods for hazardousness of such mixture of scraps need to be established to judge if it should be regulated under the Acts.



Example of Scrap metal containing waste material (such as waste home appliances)

# Illegal exportation of Scrap Metal Containing Waste Material / Basel Waste

- Scrap metal frequently causes fires. In some cases, these fires have harmful effects on living environments, including bad odors and traffic related problems.



Scrap metal unloaded  
after a fire



Scrap metal ship leaning  
due to a fire



# Future Challenges in Japan for Preventing Illegal Exportation

## 1. Used EEE

- Almost a year since application of secondhand criteria. Lessons from its operation needs to be reviewed to evaluate the guideline. E-waste guidelines which will be expectedly adopted at COP12 will be taken into account.
- On the other hand, in case of secondhand goods exportation, notification of illegal shipment from the country of import is increasing. This is mainly because of difference of definition or criteria of secondhand goods.
- Enhancing cooperation such as information exchange of regulation standards with Asian countries is important for effective and enhanced measures to prevent further illegal exportation.

# Future Challenges in Japan for Preventing Illegal Exportation

## 2. Scrap Metal containing Waste/Basel Waste

- The biggest issue is that it is difficult to judge whether scrap metal with various materials is waste/Basel waste or not based on its physical information at the coast inspection. To solve this issue, MOE considers to develop judgment criteria as soon as possible.
- Enhancing cooperation such as information exchange about not only regulation frameworks but individual cases is important. Especially, following information will be helpful for preventing further illegal shipments.
  - Importation of such scrap metal is illegal or not in your country
  - Any information on examples of importation of such scrap from Japan



# Thank you for your attention.

For more information;

- Ministry of the Environment (in Chinese or English)  
<http://www.env.go.jp/>
- Japan's Activities for the Basel Convention (in English)  
[http://www.env.go.jp/en/recycle/basel\\_conv/index.html](http://www.env.go.jp/en/recycle/basel_conv/index.html)